

U.S. BANKRUPTCY COURT
District of South Carolina

CASE NO.: 16-04351-jw

CONSENT ORDER ON DEBTOR'S
MOTION TO RECONSIDER

The order set forth on the following pages, for a total of 4 pages including this page, is hereby
ORDERED.

FILED BY THE COURT
05/11/2020



John E. Waites

US Bankruptcy Judge
District of South Carolina

Entered: 05/12/2020

IN THE UNITED STATES BANKRUPTCY COURT
THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

IN RE:) CASE NO.: 16-04351-jw
) Chapter 13
Inez Jacobs Mills)
) CONSENT ORDER ON DEBTOR'S
Debtor) MOTION TO RECONSIDER
)

YOU WILL PLEASE TAKE NOTICE that Creditor MTGLQ Investors, L.P. and Debtor Inez Jacobs Mills appeared before the Court on April 21, 2020 and have agreed and consented to the entry of this Order resolving Debtor's Motion to Reconsider pursuant to the agreement of the parties as set forth below:

NOW THEREFORE, with the agreement and consent of the parties, the Court makes the following:

FINDINGS OF FACT

1. Debtor Inez Jacobs Mills filed for relief under Chapter 13 of the United States Bankruptcy Code on August 28, 2016, William K. Stephenson, Jr., was appointed Trustee.
2. Creditor MTGLQ Investors, L.P. is the holder of a secured claim against the Debtor on real property described as:

5 Pearson Circle, Irmo, SC 29063.

3. On September 23, 2019 Creditor filed a Motion to Lift the Automatic Stay as to the above-referenced property for nonpayment.
4. Subsequent to the filing of said Motion, Debtor and Creditor entered into a Settlement Order filed January 13, 2020.

5. On January 24, 2020 Debtor filed a *pro se* Motion to Reconsider disputing the validity of the Settlement Order Referred to above.
6. On February 25, 2020 a hearing was held on Debtor's *pro se* Motion. At said hearing Debtor affirmed that she remained represented by Moss and Associates in the present action while also disputing the amounts indicated as being owed in the January 24, 2020 Settlement Order.
7. As a result, the February 25, 2020 hearing was continued to allow for the Debtor to gather and submit proof of payment.
8. As of April 21, 2020, no such proof has been provided, however Debtor and Creditor are currently engaged in Loss Mitigation/ Loan Modification negotiations.

NOW THEREFORE, by virtue of the law and by reason of the premises aforesaid, and consent of the parties, it is Ordered, Adjudged and Decreed as follows:

- A. The automatic stay in the above-captioned case remains in full effect.
- B. The Settlement Order filed January 13, 2020 remains in full effect until further Order of the Court .
- C. Loss Mitigation/Loan Modification negotiations currently being undertaken between Creditor and Debtor are to continue.
- D. Should said Loss Mitigation/ Loan Modification negotiations fail, Creditor may if appropriate pursue a determination that Debtor is in default of the Settlement Order referred to herein.
- E. In the event of a default under the terms of said Order, Creditor may file an affidavit of default and request for further hearing, and a hearing will be scheduled to determine whether relief from stay is warranted. Should relief be granted, Creditor

may then proceed with its state court remedies against its security, including sending any required notice to Debtor.

WE CONSENT:

MOSS AND ASSOCIATES

/s/Jason T. Moss

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L.P.

WITHOUT OBJECTION:

/s/Lydia Eloff

Lydia Eloff (I.D. 2563)
William K. Stephenson
Chapter 13 Trustee

Columbia, South Carolina

May 8, 2020